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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,777	10/13/2000	Mukesh Patel	032481-021	1065

8791 7590 07/26/2004

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EXAMINER

DAS, CHAMELI

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/687,777	Applicant(s) PATEL, MUKESH	
	Examiner CHAMELI C DAS	Art Unit 2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43,50,52,54,56 and 109-128 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43,50,52,54,56 and 109-128 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/24/04</u> | 6) <input type="checkbox"/> Other: _____ |

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1. This action is in response to the amendment filed on 6/10/04.
2. Claims 43, 50, 52, 54 and 56 have been amended.
3. Claims 1-42, 44-49, 51, 53, 55, 57-108 have been canceled.
4. New claims 109-128 have been added.
5. Claims 43, 50, 52, 54, 56, 109-128 have been rejected.

Claim Rejections - 35 USC § 112

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 50, 52, 54, 56, 109-128 are rejected under 35 U.S.C. 112, second paragraph, because claims 50, 52, 54, 56, 109-128 contain the trademark term "Java". See *Ex parte Simpson*, 218 USPQ 1020 (Bd App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product.

Double Patenting

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Instant claim 43, 50, 52, 54, 56, 109-128 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1- 70 of U.S. Patent number 6,332,215.

Although the conflicting claims are not identical, but they are not patentably distinct from each other because they are obvious variation of each other.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dickol et al, US 5,875,336 and further in view of Krall et al, the article XP-002117590, Title: CACAO- a 64 bit JAVA VM just-in-time compiler, Source: Concurrency: Practice and Experience, vol 9 (11), page 1017-1030, November, 1997.

As per claim 43, Dickol discloses:

- a central processing unit core (Abstract, Fig 2, Fig 3, col 4 lines 55-60)

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a register file associated with ... memory (Abstract, col 3 lines 20-35, codes (col 3 lines 40-50, col 4 lines 10-15, col 4 lines 43-50).

Dickol does not specifically disclose that the hardware processor is an accelerator. However, in the article Krall discloses that the processor is an accelerator (Krall, page 1017, summary and introduction). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of invention was made to incorporate the teaching of Krall into the method of Dickol for introducing an accelerator. The modification would be obvious because one of the ordinary skill in the art would be motivated to compile, execute and run the programs faster than the regular hardware processor.

Neither Dickol nor Krall disclose multiplexer. However, official notice is taken for multiplexer. The modification would be obvious because one of the ordinary skill in the art would be motivated to attach many communications lines to a smaller number of communications port efficiently.

Claims 50, 52, 54, 56, 109-128 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickol et al, US 5,875,336 and further in view of Krall et al, the article XP-002117590, Title: CACAO- a 64 bit JAVA VM just-in-time compiler, Source: Concurrency: Practice and Experience, vol 9 (11), page 1017-1030, November, 1997 and Tremblay, US 6,076,141.

For claim 50, (Dickol, Abstract, Fig 2, Fig 3, col 4 lines 55-60, col 3 lines 20-35, codes (col 3 lines 40-50, col 4 lines 10-15, col 4 lines 43-50, col 6, lines 1-45).

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Neither Dickol nor Krall disclose generating new JAVA program counter.

However, Tremblay disclose generating new JAVA program counter. (Tremblay, col 3, lines 40-50). The modification would be obvious because one of the ordinary skill in the art would be motivated to locate the address of the instruction to be executed efficiently.

For multiplexer see the rejection above.

For claim 52, (Dickol, Abstract, Fig 2, Fig 3, col 4 lines 55-60, col 3 lines 20-35, codes (col 3 lines 40-50, col 4 lines 10-15, col 4 lines 43-50, col 6, lines 1-45).

Neither Dickol nor Krall disclose generating new JAVA program counter.

However, Tremblay disclose generating new JAVA program counter. (Tremblay, col 3, lines 40-50). The modification would be obvious because one of the ordinary skill in the art would be motivated to locate the address of the instruction to be executed efficiently.

For multiplexer see the rejection above.

For claim 54, (Dickol, abstract, col 6 lines 1-20, col 5, lines 1-25, col 4, lines 30-50).

For accelerator and multiplexer, see the rejection above.

For claim 109, (Dickol, abstract, Krall, page 1017).

For claim 111 (Dickol, Abstract, col 3 lines 20-35, codes (col 3 lines 40-50, col 4 lines 10-15, col 4 lines 43-50, Krall, page 1017).

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For claims 112-128 (, Dickol, abstract, col 6 lines 1-20, col 5, lines 1-25, col 4, lines 30-50, col 3 lines 40-50, col 4 lines 10-15, col 4 lines 43-50, Krall, page 1017).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli Das whose telephone number is (703) 305-1339. The examiner can normally be reached on Monday through Friday from 7:00 A.M. to 3:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 703-305-4552. The fax phone number for the

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organization where this application or proceeding is assigned is (703) 872-9306 (official fax).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

Chameli C. Das
CHAMELI C. DAS
PRIMARY EXAMINER

7/20/09